



Governor
Janet Napolitano

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY
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Executive Director
Jack Confer

May 24, 2005

VIA CERTIFIED MAIL

Kenneth Young, D.O.
3425 East Grant, Suite 101
Tucson, AZ 85716

RE: Letter of Concern, Case No. 3311

Dear Dr. Young:

At the meeting on May 7, 2005, the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") conducted an investigative hearing on the above-referenced complaint. You were present at this meeting and represented by counsel. The complaint alleged, among several other things, that you might have violated Arizona Revised Statutes by charging duplicate or inappropriate fees.

Based on the information presented and your discussion with the Board, the Board found there was insufficient evidence to conclude that your conduct constituted unprofessional conduct or to support direct action against your license. However, the Board voted to issue you this advisory **LETTER OF CONCERN** pursuant to the provisions of A.R.S. 32-1855 (D)(2). The Board was concerned that these billing practices as evidenced in this case could to a violation of A.R.S. § 32-1854 (26), which states:

"Charging or collecting an inappropriate fee. This paragraph does not apply to a fee that is fixed in a written contract between the physician and the patient and entered into before treatment begins."

A Letter of Concern is a non-disciplinary action that remains part of the public record of your license for five years from the date of issuance (meeting date). During those years it will be provided in response to requests for copies of your license file or verifications of license status, including being posted on the Board's website. It also may be cited in future actions against your license. Because it is not a disciplinary action, it is not reported to the National Practitioner Data Base.

Respectfully,

(Signature on File)

Jack Confer
Executive Director

JC/s

Copy: James D. Hunter, Esquire
Complainant
File